

Hamilton Park Neighborhood Association



Est 1977

EI-16299

January 24, 2009

Hamilton Park Neighborhood Association
c/o Olu M. Howard, President
308 Eighth Street
Jersey City, NJ 07302

Secretary
Surface Transportation Board
395 E St, SW
Washington, DC 20024

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Re:

**Consolidated Rail Corporation –
Abandonment Exemption –
In Hudson County, NJ**

AB 167 (Sub-no. 1189X)

224434

**CSX Transportation, Inc.
Discontinuance Exemption –
In Hudson County, NJ**

AB 55 (Sub-no. 686X)

224435

**Norfolk Southern Railway Co. -
Discontinuance Exemption -
In Hudson County, NJ**

AB 290 (Sub-no. 306X)

224438

Hamilton Park Neighborhood Association

Reply and Request for Consulting Party Status

On January 6, 2009, Conrail et al filed a Notice of Exemption in the cases referred to above. At the same time, Conrail et al filed "Comments" and "Motion to Stay Effective Date of Verified Notices of Exemption and to Waive Pre-filing Notification Requirements."

The Hamilton Park Neighborhood Association (HPNA) opposes class exemption procedures in this very controversial case. An abandonment authorization within the schedule Conrail et al suggest cannot be done in compliance with the National Historic Preservation Act (NHPA) sections 106 and 110 (k), 16 U.S.C. 470 f and 470 h-2(k) or the National Environmental Policy Act (NEPA) section 102, 42 U.S.C. 4332. Indeed, we believe that abandonment authorization is barred by NHPA Section 110 (k), because Conrail and its developer partner have engaged in anticipatory demolition of rail assets.

We call for a full Environmental Impact Statement (EIS) to address the many issues raised by this potential abandonment. Further, our organization requests consulting party status in an NHPA Section 106 review.

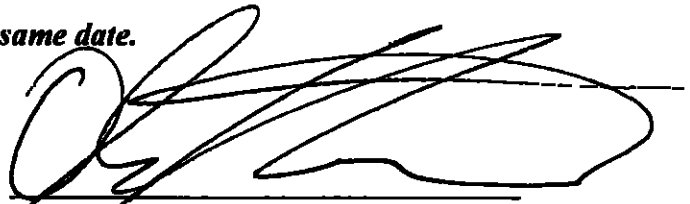
The Hamilton Park Neighborhood Association (HPNA), formed in 1977, is a 501(c)(3) non-profit corporation that works to effectively serve the interests and needs of the citizenry of Hamilton Park. The Hamilton Park neighborhood of downtown Jersey City is defined by Marin Boulevard to the east, Division Street to the west, 12th Street to the

Hamilton Park neighborhood (including the homes on 6th Street) is within the Hamilton Park Historic District and many of the structures are listed in both the National Register of Historic Places and the New Jersey Register of Historic Places

Not only are our 6th street residents (within the Hamilton Park Historic District) directly impacted by the disposition of said Embankment (which is directly across the road from their homes) but the entire Hamilton Park neighborhood and Historic District resides less than 2,000 feet from this distinctive and historic structure. It is one of the defining characteristics of our neighborhood and any development of the Embankment will directly affect our neighborhood's character, municipal infrastructure (water, sewer, power, and light), traffic, and quality of life for all our residents.

Certificate of Service

By my signature below, I certify service of this document upon Robert Jenkins, Mayer Brown, 1909 K Street, NW, Washington, DC 20006, by deposit with an express service, next business day delivery, on January 24, 2009, and on all other parties on the service list attached by first-class U.S. mail on the same date.



Olu M. Howard

President

Hamilton Park Neighborhood Association

www.hamiltonpark.org

**Service List
January 2009**

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